

Application Serial No. 09/756,485  
Reply to Office Action of April 2, 2004

### REMARKS/ARGUMENTS

Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claim 2 is amended herein for formal reasons. As these changes are not made to overcome art, Applicants respectfully submit that they should not be interpreted in a limiting fashion.

New claim 3 is added to recite that the virtual network has  $n$  virtual hosts and  $m$  virtual routers, where at least one of  $m$  and  $n$  is greater than 0. This is supported by the disclosure, for example at page 3, line 20 through page 4, line 1, wherein it is disclosed that a virtual network may have  $n$  virtual hosts and  $m$  virtual routers. In addition, Figure 2 shows a virtual network having virtual hosts and routers, whereby at least one of  $m$  and  $n$  for the arrangement illustrated therein is greater than 0.

New claim 4 is added to recite that the virtual network is generated randomly. This is supported by the disclosure, for example at page 1, lines 25-26, wherein the generation of random virtual networks is disclosed.

No new matter has been added. Claims 1-4 are pending in the application.

In the Office Action, claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the rejection asserts that the term "the group" lacks antecedent basis. Applicants respectfully traverse the rejection.

Claim 2 is amended herein to recite "a group" rather than "the group". Applicants believe all pending claims are formal and definite as presently pending. Reconsideration and withdrawal of the objection is respectfully requested.

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Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fukushima et al. (Japanese Patent Publication JP 08056235 A). Applicants respectfully traverse the rejection.

Claim 1 of the present invention recites a method for routing testing, wherein a router undergoes tests using a virtual network. That is, in the present invention an entire virtual network can be generated as needed to test a given router.

The rejection characterizes Fukushima as teaching the use of a virtual network for testing a router. Applicants respectfully disagree.

As disclosed for example at lines 1-3 of paragraph [0009] of the machine translation of Fukushima, router equipment and a terminal unit are connected. Applicants note that both the router and the terminal disclosed are actual, not virtual, devices. As further disclosed at lines 5-9 of paragraph [0009] of the machine translation of Fukushima, path information is generated based on configuration information, and is provided to the router equipment.

The rejection asserts that this constitutes creating a virtual network similar to that of the present invention. Applicants respectfully disagree.

Applicants note that the "configuration information" referred to by the machine translation of Fukushima appears to be defined therein only in that it is used to produce path information. Applicants respectfully submit that path information is not equivalent to a virtual network. An actual physical network is not necessarily limited only to communication paths, but rather may include devices which communicate along those paths, i.e. servers and hosts. Likewise, a virtual network may include virtual devices such as virtual servers and virtual hosts.

The machine translation of Fukushima does not disclose or suggest the use, creation, or existence of virtual devices. Thus, even if the path information can be interpreted as relating to virtual paths, which point Applicants do not concede, reference by the machine translation of

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Fukushima to such path information does not constitute disclosure or even suggestion of a virtual network.

Absent some positive disclosure of a virtual network, and/or virtual devices thereof, Applicants respectfully submit that the machine translation of Fukushima cannot be considered to disclose or even suggest a virtual network.

The rejection further asserts that the machine translation of Fukushima teaches testing a router with a terminal unit without using other routers. The rejection interprets this as being a test using a virtual network.

As a preliminary matter, Applicants respectfully submit that a virtual network is not necessarily defined by the absence of other routers. Although a virtual network is by definition virtual, rather than substantial, it is not merely a lack of "real" routers but a thing unto itself. Thus, absence of other routers does not in itself imply the presence or use of a virtual network.

Moreover, paragraphs [0009] through [0013] of the machine translation of Fukushima explicitly teach an arrangement wherein a router is connected to a terminal, and data packets are sent between the terminal and the router. Applicants respectfully submit that such an essentially linear connection between a router and a terminal cannot fairly be considered to be equivalent to a virtual network.

In summary, Applicants respectfully submit that the machine translation of Fukushima does not positively disclose a virtual network or virtual devices thereof, and does not disclose an arrangement suggestive of a virtual network, but rather does teach an arrangement that differs from the virtual network of the present invention.

As the present invention according to claim 1 includes features neither disclosed nor suggested by the machine translation of Fukushima, Applicants respectfully submit that claim 1

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is not anticipated by the machine translation of Fukushima. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 2 depends from claim 1, and incorporates the limitations thereof. The remarks made above with regard to claim 1 apply equally to claim 2, and Applicants respectfully submit that separate arguments need not be presented in support of claim 2 at this time. Applicants do not concede the correctness of the rejection.

As all matters raised in the Office Action are now addressed, Applicants believe all pending claims likewise are in condition for immediate allowance. Favorable reconsideration in the form of a Notice of Allowance is respectfully requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney of record, Curtis B. Hamre (Reg. No. 29,165) at (612) 336-4722.



Date: July 2, 2004

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, MN 55402-0903  
(612) 332-5300

Douglas P. Mueller  
Reg. No. 30,300  
for

Curtis B. Hamre  
Reg. No. 29,165  
CBH/DPM/MLL